

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON PRIORITY

AMEMBASSY BONN PRIORITY

INFO USDEL MTN GENEVA PRIORITY

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E.O. 11652:N/A

TAGS:ETRD

SUBJECT:LONDON VISIT OF STR DENT

GUENTHER TO DENT

BONN PASS SCHIFFMAN

LONDON PASS TWM SMITH

REF: LONDON 07380

1. AS PARA 5 REFTTEL INDICATES TRADE SECRETARY SHORE HAS BEEN BRIEFED TO RAISE ISSUE OF USG GAS CYLINDER REGULATIONS DURING AMBASSADOR DENT'S VISIT MAY 27.

2. AMBASSADOR RAMSBOTHAM HAS WRITTEN FOLLOWING LETTER TO AMBASSADOR DENT ON THAT ISSUE:

QUOTE 20 MAY 1975

DEAR AMBASSADOR:

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MANY THANKS FOR YOUR LETTER OF 21 APRIL. I WAS GLAD TO HAVE YOUR VIEW THAT GAS CYLINDERS PRODUCED IN BRITAIN HAVE TO MEET HIGH QUALITY PRODUCTION AND CERTIFICATION STANDARDS. I NOTE, TOO, THAT THE PROPOSED AMENDMENT TO THE DEPARTMENT OF

TRANSPORTATION'S REGULATIONS IS STILL BEING ACTIVELY CONSIDERED.

YOU MENTIONED IN YOUR LETTER TWO EXAMPLES OF BRITISH STANDARDS AND CERTIFICATION PRACTICES, IN THE FIELDS OF CIVIL AVIATION AND OF GAS EQUIPMENT AND APPLIANCES, WHICH ARE SAID TO HINDER AMERICAN EXPORTS TO BRITAIN. WE HAVE LOOKED INTO THESE CAREFULLY AND IT MAY BE HELPFUL IF I EXPLAIN THE POSITION AS WE SEE IT ON BOTH POINTS.

ON THE QUESTION OF CIVIL AVIATION CERTIFICATION I UNDERSTAND FROM THE CIVIL AVIATION AUTHORITY (CAA) THAT:-

(A) THEIR REGISTER OF CIVIL AIRCRAFT SHOWS THAT BETWEEN 60 PERCENT AND 65 PERCENT OF ALL GENERAL-AVIATION AIRCRAFT REGISTERED IN THE UNITED KINGDOM WERE CONSTRUCTED IN THE USA; AND AN EVEN GREATER PROPORTION OF TRANSPORT AIRCRAFT REGISTERED IN BRITAIN IS AMERICAN;

(B) THEY ARE PUZZLED BY THE SPECIFIC REFERENCE IN YOUR LETTER TO LEAR AND GULFSTREAM AS THE ONLY TWO TYPES OF US AIRCRAFT TO RECEIVE CAA CERTIFICATION. THEY HAVE, IN FACT, CERTIFICATED LITERALLY THOUSANDS OF BEECH, PIPER, CESSNA, ROCKWELL, BELL, AMERICAN AVIATION, BELLANCA, BRANTLY, ERCOUBE, FAIRCHILD, HILLER AND MOONEY AIRCRAFT AND OTHERS, AS WELL AS TRANSPORT AIRCRAFT CONSTRUCTED BY BOEING, DOUGLAS AND LOCKHEED;

(C) WHILST CONVENTIONAL AIRCRAFT OF US MANUFACTURE, UNDER 6,000 LBS GROSS WEIGHT AND CERTIFIED BY THE FEDERAL AVIATION ADMINISTRATION (FAA), ARE NORMALLY ACCEPTED FOR BRITISH CERTIFICATION WITHOUT INVESTIGATION BY THE CAA, UNCONVENTIONAL AIRCRAFT UNDER 6,000 LBS AND AIRCRAFT OVER 6,000 LBS ARE EVALUATED BY THE CAA TO DETERMINE WHETHER THEY MEET UK SAFETY REQUIREMENTS. THESE TAKE THE FORM OF A PUBLISHED CODE IN CLEAR AND OBJECTIVE TERMS WHICH, IN THE CAA'S VIEW, ALLOW THE CONSTRUCTOR GREATER FREEDOM IN LIMITED OFFICIAL USE
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MEETING THE INTENTION OF THE REQUIREMENTS THAN A MORE SUBJECTIVE CODE WOULD PERMIT;

(D) THE PROCEDURES APPLIED BY THE FAA IN CERTIFYING BRITISH CONSTRUCTED AIRCRAFT ARE NOT DISSIMILAR TO THOSE APPLIED BY THE CAA IN THE UK. WHEREAS, AS A MATTER OF POLICY, THE CAA TRIES TO ENSURE THAT BRITISH REQUIREMENTS, WHERE APPROPRIATE, TAKE ACCOUNT OF US REQUIREMENTS (AND BRITISH CONSTRUCTORS GENERALLY TRY, TOO, TO KEEP ABREAST OF US REQUIREMENTS AND INTERPRETATIONS AND DESIGN THEIR AIRCRAFT ACCORDINGLY) US AIRCRAFT CONSTRUCTORS APPEAR TO DESIGN ONLY TO MEET THE US REQUIREMENTS. THIS HAS UNFORTUNATELY LED

THEM, IN SOME INSTANCES, TO COMPLAIN WHEN THEY LATER DISCOVER THAT CAA CERTIFICATION MAY REQUIRE THEM TO CARRY OUT

CERTAIN DESIGN MODIFICATIONS TO IMPROVE THE SAFETY LEVEL. HOWEVER, AS A RESULT OF CONTINUING DISCUSSION BETWEEN THE CAA AND THE MAIN US AIRCRAFT CONSTRUCTORS AND WITH THE GENERAL AVIATION MANUFACTURERS ASSOCIATION, THIS SITUATION SEEMS, HAPPILY, TO BE IMPROVING.

MEANWHILE, I UNDERSTAND THAT THE FAA IS ATTEMPTING TO IMPROVE FEDERAL AIR REGULATIONS, AS EVIDENCED BY THE RECENT AIR WORTHINESS REVIEW CONFERENCE HELD IN WASHINGTON. THERE APPEARS, HOWEVER, TO BE SOME RESISTANCE WITHIN THE US AIRCRAFT CONSTRUCTION INDUSTRY TO MANY OF THE IMPROVEMENTS SOUGHT AND THIS IS PROBABLY THE ROOT CAUSE OF SUCH PROBLEMS AS THE CAA ENCOUNTER IN CERTIFICATION OF US AIRCRAFT.

A BILATERAL AGREEMENT ON AIRWORTHINESS HAS, OF COURSE, BEEN IN OPERATION BETWEEN THE US AND THE UK FOR MANY YEARS. THE AGREEMENT WAS REVISED, UPDATED AND CONFIRMED IN DECEMBER 1972. THE CAA BELIEVE THAT THEIR ACTIVITIES ARE COMPATIBLE WITH THIS AGREEMENT; AND THEY HAVE NOT HITHERTO RECEIVED ANY INDICATION TO THE CONTRARY. THE HIGH PERCENTAGE OF US-BUILT AIRCRAFT REGISTERED IN THE UK WOULD SEEM TO SUGGEST THAT THE CAA REQUIREMENTS DO NOT, IN FACT, REPRESENT A BARRIER TO TRADE. THE RESPONSIBLE ATTACHE ON MY STAFF WOULD BE HAPPY TO DISCUSS THIS MATTER FURTHER WITH ADMINISTRATION OFFICIALS, IF YOU FELT THAT THAT WOULD BE USEFUL AND THAT THERE ARE STILL OUTSTANDING PROBLEMS.

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ON GAS EQUIPMENT AND APPLIANCES, I AM ASSURED THAT THERE ARE NO BRITISH REGULATIONS, THAT IS TO SAY, STATUTORY REQUIREMENTS, REQUIRING TESTING AND CERTIFICATION IN THE UK OF ALL GAS EQUIPMENT, INCLUDING PLUMBING AND HEATING EQUIPMENT AND GAS-OPERATED HOME APPLIANCES. GAS-FIRED EQUIPMENT, INSTALLED IN PREMISES WHOSE SAFETY STANDARDS ARE THE RESPONSIBILITY OF THE FACTORY INSPECTORATE OF THE DEPARTMENT OF EMPLOYMENT, HAS TO COMPLY WITH SOME OF THEIR REGULATIONS. THESE REGULATIONS DO NOT, HOWEVER, INVOLVE A TESTING OR CERTIFICATION PROCEDURE.

THE ONLY RELEVANT REQUIREMENT IN THE QUOTE GAS SAFETY REGULATIONS 1972 UNQUOTE FOR OTHER, PRIMARILY DOMESTIC, GAS APPLIANCES IS THAT NO APPLIANCES SHALL BE INSTALLED WHICH DO NOT COMPLY WITH CURRENT BUILDING REGULATIONS OR WHICH CANNOT BE USED WITHOUT CONSTITUTING A DANGER TO ANY PERSON OR TO PROPERTY. AGAIN, THIS REQUIREMENT DOES NOT INVOLVE ANY TESTING OR CERTIFICATION PROCEDURE.

THE BRITISH GAS CORPORATION, WHICH HOLDS A PREDOMINANT POSITION AS RETAILERS IN THE UK, WILL NOT SELL ANY

APPLIANCE WHICH HAS NOT BEEN TYPE-TESTED AND CERTIFIED BY
THE CORPORATION'S WATSON HOUSE ESTABLISHMENT IN LONDON;

BUT SUCH TYPE-TESTING AND CERTIFICATION DOES NOT ARISE
THROUGH ANY STATUTORY BRITISH REGULATION. TESTING AT
WATSON HOUSE IS OPEN TO ANYONE PREPARED TO PAY THE CORPOR-
ATION'S FEE, WHETHER OR NOT THAT PERSON HOPES TO SELL HIS
PRODUCT THROUGH THE CORPORATION. SUCH TESTING DOES NOT
INVOLVE TESTING IN THE COURSE OF THE MANUFACTURING PROCESS
AND ONLY A SAMPLE APPLIANCE OF A GIVEN TYPE NEED TO BE
SENT TO WATSON HOUSE. THUS, UNLIKE THE BARRIER WHICH DOT
REGULATIONS PRESENT TO BRITISH MANUFACTURERS OF GAS
CYLINDERS, THE PROCEDURES GOVERNING THE SALE AND INSTALLA-
TION OF GAS EQUIPMENT AND APPLIANCES IN THE UK DO ALLOW
AMERICAN MANUFACTURERS TO OBTAIN THE RELEVANT CERTIFICA-
TION AND, WHERE APPROPRIATE, THE RELEVANT BUILDING REGULA-
TIONS, TO SELL THEIR PRODUCTS THERE.

YOURS SINCERELY, PETER RAMSBOTHAM UNQUOTE. INGERSOLL

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